IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA Richmond Division

ASHLEY COX, et al.,)	
Plaintiffs,)	
v.)	Case No. 3:21-cv-253-HEH
ELLEN MARIE HESS, in her official)	
capacity as Commissioner of the Virginia Employment Commission,)	
Defendant.)	

DEFENDANT'S STATUS REPORT

Defendant Ellen Marie Hess, in her official capacity as Commissioner of the Virginia Employment Commission (the "Defendant"), by counsel, submits the below status report in accordance with Paragraph 6 of the Court's May 25, 2021 Settlement Order entered pursuant to Judicial Mediation (ECF No. 25) (the "Settlement Order") as to the Virginia Employment Commission's ("VEC") progress towards the completion standards set out in the Settlement Order.

1. Since the Settlement Order was entered on May 25, 2021, the VEC has worked to prioritize the resolution and adjudication of Unpaid Claims Awaiting Adjudication (as defined in Paragraph 5 of the Settlement Order). As the Court is aware, the VEC reported that as of May 10, 2021, the total number of Unpaid Claims Awaiting Adjudication was 92,158. Since the Settlement Order was entered, however, the number of Unpaid Claims Awaiting Adjudication has been cut by more than half. As of the week ending June 26, 2021, the remaining number of Unpaid Claims Awaiting Adjudication is 39,925.

- 2. The VEC is actively working to increase the total number of UI Claims (as defined in the Settlement Order) adjudicated each week. For the week ending June 26, 2021, the total number of UI Claims adjudicated was 9,598.
- 3. Since the Settlement Order was entered on May 25, 2021, the VEC and the Plaintiffs' Advocates (collectively, the "Parties") have met in-person on two occasions to exchange information and discuss the VEC's progress towards meeting the completion standards set out in the Settlement Order. The Parties have calendared an additional date in July for a conference call if needed.
- 4. The VEC also continues to hire additional adjudication hearing officers. Although the VEC has lost 17 staff for various reasons, it expects to hire an additional 11 hearing officers in July. The VEC continues to recruit and interview for hearing officer positions. Further, the VEC is utilizing contract staff to perform adjudication work. As of June 14, the VEC had brought on 100 contract adjudicators, and an additional 70 to 80 contract adjudicators will begin work on or about July 6. The VEC expects to add an additional 100 contract adjudicators on or about July 19.
- 5. Given the VEC's progress to date, the Defendant was hopeful the Parties would file a joint status report as contemplated in Paragraph 6 of the Settlement Order. The VEC is not aware of any material dispute or disagreement regarding the VEC's progress toward the completion standards set out in the Settlement Order. Although we provided a draft of this report and asked for comments, the Plaintiffs' Advocates have indicated their desire to file a separate report. Despite ongoing regular updates and two in-person meetings between the VEC and Plaintiffs' Advocates, it is not clear to the Defendant what disputed matters, if any, exist.

Date: July 1, 2021

Respectfully submitted,

ELLEN MARIE HESS, in her official capacity as Commissioner of the Virginia Employment Commission

By: ___/s/ William W. Tunner (VSB #38358) William D. Prince IV (VSB #77209) Michael G. Matheson (VSB #82391) John P. O'Herron (VSB #79357) Rachel W. Adams (VSB #92605) THOMPSON MCMULLAN, P.C. 100 Shockoe Slip, 3rd Floor Richmond, Virginia 23219 Tel: (804) 649-7545 Fax: (804) 780-1813 wtunner@t-mlaw.com wprince@t-mlaw.com mmatheson@t-mlaw.com joherron@t-mlaw.com radams@t-mlaw.com

Counsel for Defendant Ellen Marie Hess, in her official capacity as Commissioner of the Virginia Employment Commission

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of July, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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